

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DAVID STIDUM,	)	
	)	
Petitioner,	)	
	)	Case No. 4:11CV743RWS
v.	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before me on Respondent's Motion to Unseal Document [#6]. In his Section 2255 Petition, Petitioner Stidum asserts several allegations of prosecutorial misconduct and ineffective assistance of counsel with specific reference to a hearing before Judge Fleissig on October 13, 2009. During the hearing, Judge Fleissig took up Stidum's pro se motion seeking the appointment of new counsel. The attorney for the government was not present for that portion of the hearing and the transcript of that part of the hearing was ordered sealed.

In his Petition, Stidum make specific reference to the October 13, 2009 hearing. The United States now seeks to unseal the record of the hearing to respond to Stidum's allegations. On May 12, 2011, I ordered Petitioner to show cause why Respondent's motion should not be granted. On May 23, 2011 Stidum filed his Response to Order to Show Cause and consented to the October 13, 2009 transcript being unsealed. As a result, I will unseal the transcript of the October 13, 2009 hearing.

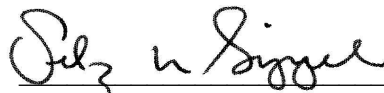
In his Response to Order to Show Cause, Stidum also requests that he be provided with a copy of the October 13, 2009 transcript. Stidum's motion to proceed in forma pauperis was denied on May 4, 2011. As a result, I will not order a copy of the transcript be provided to

Stidum. He may request a transcript from the court reporter and pay the resulting fees.

Accordingly,

**IT IS HEREBY ORDERED that** Respondent United States of America's Motion to Unseal Document [#6] is **GRANTED**. The transcript of the October 13, 2009 hearing in Case 4:09 CR12RWS shall be temporarily unsealed to allow the parties to obtain copies of the hearings in this case. I will order the transcript be placed under seal on **June 30, 2011**.

**IT IS FURTHER ORDERED that** Respondent shall show cause, in writing, no later than **July 8, 2011** why the relief requested in the instant motion to vacate should not be granted.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 31st day of May, 2011.